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MAILED

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Technology Center 2600

ON PETITION

In re Application of:
Young-Chun Kim et al
Application No. 09/338,473
Filed: June 22, 1999
For: **APPARATUS FOR CONTROLLING
MULTI-WORD STACK OPERATIONS USING
A MULTI-BANK STACK IN
DIGITAL DATA PROCESSORS**

This is a decision on the request filed November 25, 2002, to withdraw the holding of abandonment under MPEP 711.03(c)(II) and pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The Notice of Abandonment was mailed September 19, 2002 for failure to respond in a timely and effective manner to the Final rejection mailed November 30, 2001.

Petitioner alleges that no Office communication was received.

Based on MPEP 711.03(c), in absence of any irregularity in the mailing of an Office action, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include:

(a) a statement from the practitioner stating that the Office communication was not received by the practitioner;

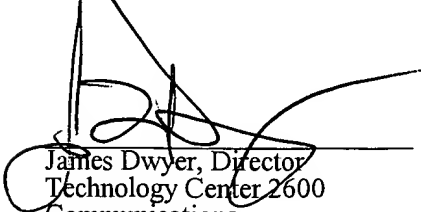
(b) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and

(c) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

The petitioner has complied with all the requirements above. Accordingly, the petition is **GRANTED**.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application file will be forwarded to the TC 2600 Technical Support Staff to issue a new Final rejection and to restart the period for response.


James Dwyer, Director
Technology Center 2600
Communications